

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are presently active in this case. Claims 1, 3, 5, and 13 have been amended by way of the present amendment.

In the outstanding Office Action, Claims 1 and 5-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,843,813 to Wei et al.; Claims 1, 5, 10, 11, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,384,455 to Nishigori; Claims 1-4 and 11 were rejected under 35 U.S.C. § 102(b)/103(a) as being unpatentable over U.S. Patent No. 5,519,243 to Kikuda et al.; Claims 13 and 14 were rejected under 35 USC 103(a) as being unpatentable over Nishigori in view of U.S. Patent No. 6,066,520 to Suzuki; and Claims 13 and 14 were rejected under 35 USC 103(a) as being unpatentable over Wei et al. in view of Suzuki.

Applicants acknowledge with appreciation the courtesy of granting an interview to Applicants' attorney where the outstanding prior art rejections were discussed. Examiner Nadav suggested during the interview amendments which may overcome the outstanding rejections. The claim amendments to independent claims 1 and 13 reflect Examiner Nadav's suggestions.

In particular, none of the applied art is believed to teach or suggest a first contact situated directly above a first well; a second contact situated directly above a second well; wherein the first and second contacts are connected to a single potential. Hence, claim 1 and its dependents are believed to be patentable.

Further, none of the applied art is believed to teach or suggest first and second contacts directly connected to the first conductive layer and connected to a single potential. Hence, claim 13 and its dependent are believed to be patentable.

Regarding amended claim 5, support for the changes thereto can be found in Figure 16 and the corresponding disclosure. No new matter has been added. The outstanding office action asserts regarding claim 5 that Wei et al. disclose that "the first contact 280 is in contact with the second conductive layer 276." Hence, the Applicants submit that the office action does not regard element 276 to be active element. On the other hand, claim 5 defines an active element at a first well. Applicants submit that an active element is an element such as a transistor, diode, etc. and does not include resistors, inductors, etc. Hence, Wei et al. do not disclose a structure including an active element at a first well. Further, Nishigori does not disclose or suggest a structure where a first contact is in direct contact with a second conductive layer. Hence, claim 5 is believed to be in condition for allowance.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,



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